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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
10,

Defendants.

Case No. C07-6067 PJH

The Honorable Phyllis J. Hamilton

**JOINT CASE MANAGEMENT
STATEMENT AND [PROPOSED]
ORDER**

Hearing Date: November 12, 2009
Time: 2:30 P.M.

1 The parties in this action hereby submit this Joint Case Management Statement and
2 advise the Court as follows:

3 1. On or about April 16, 2009, the United States Court of Appeals for the Ninth
4 Circuit denied the petition for rehearing en banc in the *Metro Lights* case.

5 2. Metro Fuel (which is the successor in interest to Metro Lights) filed its petition
6 for certiorari to the United States Supreme Court in the *Metro Lights* case on August 31, 2009.

7 3. Los Angeles's response to Metro Fuel's petition for certiorari in the *Metro*
8 *Lights* case is now due on November 16, 2009.

9 4. The parties expect that the United States Supreme Court will act on the petition
10 in January 2010.

11 5. The parties hereby jointly recommend and request that the Case Management
12 Conference presently scheduled for November 12, 2009, be continued until February 11, 2010, at
13 2:00
14 ~~2:30~~ p.m., with a Joint Case Management Statement to be filed on or before January 28, 2010.

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OF SAN FRANCISCO

The Case Management Conference Statement of the parties is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. The Court further orders:

HONORABLE JUDGE PHYLIS J. HAMILTON
United States District Court Judge



SIGNATURE ATTESTATION

(U.S.D.C. N.D. Cal. General Order 45, Section X.B)

I obtained the concurrence in the filing of this document from each other signatory, or from the single signatory, in compliance with U.S.D.C. N.D. General Order 45, Section X.B.

Dated: October 29, 2009

DENNIS J. HERRERA
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By: /S/
THOMAS S. LAKRITZ

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CITY AND COUNTY OF SAN FRANCISCO